



IPW

PATENT

Docket No. (42568) 60393

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:

Albert R. HEILMANN

David BERETTA III

Serial No. 10/773,623

Filed: February 6, 2004

For: **IN-WELL AERATION DEVICE**

Examiner:

Group:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 11, 2004.

By: Edith D. Sillman
Edith D. Sillman

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).

b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

c. _____ The following additional information is provided for the Examiner's consideration:

FEEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

a. ____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.

b. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.

c. X before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e)
(check only one box)

The undersigned hereby certified that

a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d)

☐ after the mailing date of a Final Rejection or Notice of Allowance but before the payment of the Issue Fee, and the requisite Certification, petition, and petition fee are included herein.

a. ☐ after the mailing date of a Final Office Action under 37 C.F.R. § 1.113

b. ☐ see certificate above

c. ☐ a fee in the amount of \$180.00 is required by 37 CFR § 1.17(p)

d. ☐ applicant hereby petitions that this Information Disclosure Statement is considered in accordance with 37 C.F.R. § 1.97(d).

____ Enclosed is a check in the amount of \$180.00 for the above-indicated fee.
Should any further fee be associated with the submission of this Information
Disclosure Statement , the Commissioner is authorized to charge our Deposit Account
No. 04-1105.

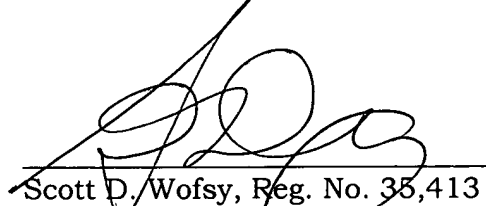
X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to
contact the undersigned. If it is determined that this IDS has been filed under the
wrong rule, the PTO is requested to consider this IDS under the proper rule (with a
petition, if necessary) and charge the appropriate fee to Deposit Account No. 04-1105.

Date

5/11/4

Respectfully submitted,



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STATEMENT

APPLICANT: Albert R. Heilmann, et al.

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GROUP NO.

UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	4,457,375	07/03/84	Cummins			
	A2	5,044,440	09/03/91	Stinessen et al.			
	A3	5,354,459	10/11/94	Smith			
	A4	5,755,288	05/26/98	Bearden et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

EXAMINER:

DATE: